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CHILD LABOR LEGISLATION IN MASSACHUSETTS¹

BY HON. CURTIS GUILD, JR.,
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Legislation for the prevention of child labor meets the same difficulty the President has encountered in his desire to secure equitable regulation of corporations. The United States, though really a nation, is legally still a federation. It is consequently quite possible for those not in sympathy with square dealing, progress, and humanity, if barred from evil-doing by the laws of one state, to secure immunity under the laws of another.

President Taft is right in going beyond mere uniformity of laws in regard to great corporations and seeking to make one law, a national law, to govern as far as possible under the Constitution, both the incorporation and the regulation of these great organizations.

Why stop with corporation law? We have national law regulating the distilling of intoxicants; national law regulating all banks of issue; national law regulating the operation of the so-called trusts; national law regulating the settlement of bankrupts; national law, insufficient and too feebly enforced, we, of Massachusetts, think, that is supposed to secure pure food.

Why should not the development of community of law be carried further in all matters of national moment? It is better to violate a shadowy state right than to consent to a substantial national wrong. We are ready, if need be, to die in war under one common national flag. Why should we shrink from living in peace under one common national law?

National Child Labor Law Needed

The boast of America is its public schools. Why should schools be built if the children are prevented from attending? The states with stern restriction of child labor have seen their industries checked and their capital go to develop industries in states where anarchy is bred in the coal breaker and the cotton mill, where brain and body are dwarfed and stunted in little children, citizens in the mak-

¹See Appendix, account of legislative hearing for eight-hour bill and prohibition of night work

ing, whose toiling hands are scarcely large enough to swing a ball bat or cage a butterfly.

Why should it be possible for any state to offer extra dividends to capital by permitting the kind of labor that strikes at the very root of American citizenship, by dwarfing the brains as well as the bodies of future American citizens?

We must ultimately stand up, not as men of one state or of another state, but as Americans against this inhumane, this inhuman line of cleavage between the states. National law must ultimately take the children from the mills and mines and put them in the schools, not in one, but in every state in the Union.

The preparation and enactment of a national law is, however, a campaign of years. Meantime, here and now, it is obviously our duty to advance toward what we should have the courage to recognize as our ultimate goal by securing uniformity of state legislation. Such uniformity, of course, should be a process of leveling up, not of leveling down.

Massachusetts No Longer Leads

Here in Massachusetts, I regret to say, it has not been possible to advance as fast as we should have advanced. Every year we are now obliged to fight in the legislature even to retain such measure of protection for the children as we have. Every year, under the guise of philanthropy, the theatrical managers join hands with certain members of the clergy in a constant pressure that little girls of tender age be withdrawn from the protection of our child labor laws and put upon the professional stage for the daily strain of work at night amid the surroundings of mock prize fights and Amazon marches. Hitherto we have been able to defeat this pressure. The modern child becomes sophisticated soon enough, heaven knows. Neither moral, mental nor physical health can be promoted by the participation of little children night after night in the work of the *corps de ballet*. The little girl's place after dark is not in the unhealthy excitement of work before the footlights, but in the quiet restfulness of home and a mother's arms.

Five New Laws for Massachusetts

We are not content with what we have done. We are not content with preventing bad legislation in Massachusetts. We hope to

enact more good legislation. We wish Massachusetts not merely to lead in some things, but to lead in all things that make for the protection of the child, for the protection of the home. This is a government of public opinion. To succeed it must be a government of intelligent public opinion. Intelligent public opinion cannot be created if we permit children to grow up with stunted minds or stunted bodies.

The crusade for the children has progressed so rapidly in the last five years that Massachusetts must act and act now if she would recover the leadership which she now no longer holds in this great reform.

New York, New Jersey and the Central West have in the last three years outstripped even Massachusetts in the care of the children and far outstripped the rest of New England, which as a section is descending lower and lower in the scale as other sections advance.

To the end of restoring to Massachusetts her lost leadership five specific reforms have been suggested by the Massachusetts State Child Labor Committee.

Shorter Hours

1. Shorter hours for children between fourteen and sixteen years of age.

In spite of the recent law reducing the legal number of hours a week for factory labor, it is still possible to work a child for ten hours in any one day in any Massachusetts factory. This is not the varied work of a college professor, or of a clergyman, nor the interesting work of a sculptor or an artist, but the dreary, monotonous feeding of machines. Wisconsin, Colorado, California, Delaware, Idaho, Missouri, New Jersey, together with Oklahoma, Ohio, Illinois, Nebraska and New York, all have a shorter working day for children than Massachusetts. The last five states restrict the number of working hours rigidly to not over eight hours a day. To the objection that shorter hours for children mean necessarily shorter hours for adults also, the experience of Ohio shows that this objection can be met by hiring two shifts of children, if they must be hired at all, who divide the long working day between them.

No Night Work

2. No night work for children.

In 1907 Massachusetts enacted a law prohibiting any minor under eighteen or any woman from working before six o'clock in the morning or after six o'clock in the evening in textile factories.

This was a wise law. It should be extended. Why should not the same prohibition of night work by children in textile factories be extended to children in all employments? Night work of any kind is exhausting enough to men. It is obviously unfit for children. Existing law in Massachusetts, except as to textile factories, in this respect lags behind that in Ohio, New York, Oregon, Wisconsin, Michigan, Illinois, Kentucky, Minnesota, Missouri, New Jersey, Nebraska and Rhode Island.

Medical Certificates Urged

3. Children in unsound health should be barred from work that will prevent their recovery.

In 1906 and 1908 statutes were enacted by Massachusetts insisting upon medical inspection for all children in the public schools of Massachusetts. This statute needs amendment, as its provisions are evaded and not enforced by many of our cities and towns. The machinery for such inspection, however, does exist.

The school departments now issue age and schooling certificates for children between the ages of fourteen and sixteen years who wish to work. It would be perfectly simple to issue to the same child at the same time a health certificate from the physician already assigned to the school. Such certificate should be used as the age certificate is used, that tendency to tuberculosis, heart disease, or affections of the eyes or spine may not be converted into chronic disease by premature employment.

A second test of health should be made by the state health examiners when the minor applies at the factory for work. Some diseases, not necessarily a bar to all work, should effectually prevent employment at some particular work. A child with weak lungs, who may be killed by employment in a cotton mill, may be positively benefited by regular physical exercise in the open air.

Dangerous Trades Barred

4. The occupation of children in positively dangerous trades or processes of trades should be prohibited.

In 1907 a statute was enacted in Massachusetts providing for the dividing of the commonwealth into fifteen health districts, in which fifteen health inspectors appointed by the governor should inspect not merely general sanitary conditions, but the actual conditions of health of the people and particularly of those working in factories.

Their reports have been most valuable and have already led to much-needed reforms. The inspectors have discovered among other things that certain trades, damaging to all health, are particularly dangerous, if not deadly, to those who have not attained the strength of adult age.

All the health inspectors can do at present is to report and recommend. They have no power to remove children from unwholesome work. The State Board of Health should be given authority to describe which occupations or processes of manufacture are peculiarly dangerous to minors. The health inspectors working under its control should be given authority to remove children engaged in such occupations or to transfer them to some other process in the same occupation that may not be similarly dangerous.

There is at present in Massachusetts a vague prohibition of the employment of children in occupations dangerous to health and morals. The employment of children is prohibited under certain circumstances, in the manufacture of acids. Both these laws are a dead letter.

Massachusetts has a chance to lead the Union by the preparation, scientifically, of a blacklist of dangerous processes. Most lists hitherto prepared are utterly unscientific. There should be a distinction between industries where all work is undertaken at the risk of the worker, and industries where only certain processes are a menace to health.

In some forms of manufacture all processes, except packing and shipping, are dangerous, especially to those whose immaturity makes them less able to resist unfavorable conditions. Such an industry is the manufacture of pearl shell. As Dr. Hanson, of the Massachusetts State Board of Health, has recently shown, even with the most approved processes of manufacture, employees in the pearl industry are always subjected to a certain amount of dust, which, being a non-metallic mineral dust, not only irritates the throat and trachea, causing one to cough and to clear the throat by

expelling mucus with dust, but may, over a period of years, extend its action to the lungs and give rise to shortness of breath and other symptoms of dust-diseased lungs, or of tubercular complication. For this reason it is none too radical a step to bring such pressure to bear upon the manufacturer of mother-of-pearl goods as will prevent the employment of either boys or girls under eighteen years of age.

On the other hand, rubber factories should not be entirely banned from the employment of minors, but only the particular processes in those factories, such as rubber cement work, where the constant inhalation of toxic naphtha fumes, always unwholesome, is particularly deadly in its effect on the undeveloped nerves and organs of the young.

What is needed is a clean-cut, specific list of processes and of manufactures, prepared by medical experts, from which all minors should be excluded. Moreover, power should be given to the health inspectors for summary action on the spot when children are found so employed.

Illinois, Kentucky, Minnesota, Missouri, Ohio and Wisconsin have such laws. Why not Massachusetts?

Street Children Need Protection

5. The so-called Boston regulations in regard to children employed in street trades should be strengthened and enlarged.

The Massachusetts law of 1902, amended and enlarged in 1906, in which the powers to regulate and license the more youthful street peddlers is vested in the school committees of cities, has worked admirably in Boston, where it was first tried. Most other cities, however, have not adopted it, the act being permissive. It should be a mandatory act on all communities of any size. Moreover, the penalty for violation of the act now falls on the child. The penalty should be made to fall also on the person who sends him to work or the person who supplies him with his wares. The so-called Boston law enacted by Massachusetts for street children has been found to be the best and most workable of any yet devised. In this respect Massachusetts still leads.

We have made beginnings by national law to remove the abuse of child labor for the whole United States. Let us help the cause by attending to our own front yard and make Massachusetts a happier home for the children.